IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.39654 of 2008
VIMLESH SINGH
Versus
STATE OF BIHAR
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3. 17.12.2008 Heard Smt. Asha Verma, learned counsel for the petitioner and Mr. Dashrath Mehta, learned A.P.P.

The present petitioner and one Sorhu Singh are said to have given blows upon the deceased, who died on that count.

The contention is that there was only one injury which was the cause of death and it could be very difficult for any one to assign that injury to the blow assigned to the present petitioner.

I could simply note that the doctor, who held the post mortem examination, was not performing his duty in a professional spirit and with alacrity. He has not noted down as to what were the injuries found on the dead body. The spelling of many words is also incorrect. The man is not fit to take up such serious business of holding post mortem examination report and it could be the concern of others to consider whether the doctor could be put on duty of such serious nature. The Court is anxious for, the opinion of a medical man occupies a very important position in administration of criminal justice specially in a case under section 302 of the Indian Penal Code. The doctor, who held the post mortem examination, appears simply not qualified for doing the job.

Under the above circumstances, the Court has to fall back on the inquest report which carries two injuries, one on the left cheek

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and another on the right side of the chest. The chest injury is quite deep up to cavity and had resulted into the death of the deceased and this could be for the trial court to be decided as to who could be its author.

The petition is dismissed.

Let a copy of this order be transmitted to the Secretary, Home, Bihar, Patna, the Director, Health Service, Bihar, Patna, and the Director General of Police, Bihar, Patna, for information and for taking appropriate and correct steps in the light of the observation.

(Dharnidhar Jha,J)

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